

Notice of Allowability

Application No.

10/615,453

Applicant(s)

PUNDT ET AL.

Examiner

Art Unit

Samir M. Shah

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 7/09/2007.
2. The allowed claim(s) is/are 1,3-10,13,15-23,25-46,48 and 49.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____

/Samir M. Shah/

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew Moffa on 08/27/2007.
3. The application has been amended as follows:
 - (a) Independent claims 1 and 3 are allowable. Claims 7-10, 13, 15-22, 25, 26, 30-45, 48 and 49, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of allowable claims 1 and 3. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions I (drawn to measuring a critical parameter), II (drawn to charging with absorbate) and III (drawn to test material), as set forth in the Office action mailed on 1/25/2005, is hereby withdrawn** and claims 7-10, 13, 15-22, 25, 26, 30-45, 48 and 49 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the

claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

- (b) As to claim 1, last line, delete "absorbate is at least one gas" and replace it with --absorbate comprises at least one gas--.
- (c) Note as to claim 36, the status identifier, "(Previously Presented)" should have been --(Withdrawn)--.

Reasons for Allowance

4. Claims 1, 3-10, 13, 15-23, 25-46, 48 and 49 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1, 3-10, 13, 15-23, 25-46, 48 and 49 are *only* allowable as the prior art neither teaches nor suggests the combination of "absorbate is at least one gas" (as in independent claim 1) or "determining... substrate curvature resulting...from charging with the absorbate" (as in independent claim 3) with remaining claim limitations.

Closest prior art reference, Mittal ("Salt bath test for assessing the adhesion of silver to poly(ethylene terephthalate) web" henceforth "Mittal") discloses a salt bath technique/method for determining the adhesion properties of at least one coating or film of at least one first material/silver to a substrate/ESTARTM of a second

material/poly(ethylene terephthalate) (page 423; abstract) including, charging the coating or film with at least one absorbate/salt-water (by soaking in a salt bath) (page 425, lines 3-20) and determining at least partially, at least one critical physical or chemical parameter/adhesion value/soak time at which the coating or film detaches from the substrate/ESTARTM(pages 430-432; figures 4, 5).

However, Mittal does not disclose the absorbate comprising at least one gas (as in claim 1) or determining at least partially the substrate curvature resulting from charging with the absorbate (as in claim 3).

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Samir M. Shah/
Art Unit 2856
08/24/2007


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